

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIKE MANDANI, et al.,

Plaintiffs,

v.

VOLKSWAGEN GROUP OF AMERICA,
INC.,

Defendant.

Case No. 17-cv-07287-HSG

**ORDER DIRECTING
SUPPLEMENTAL BRIEFING**

Re: Dkt. No. 124

The Court held a hearing on Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, Dkt. No. 124, on September 30, 2021. *See* Dkt. No. 130. At that hearing, defense counsel suggested that a de facto condition of the proposed settlement is a final fairness hearing within 60 to 90 days of the date on which the Claims Administrator mails individual Class Notice to all reasonably identifiable Settlement Class Members (the "Notice Date"). In contrast, Settlement Class Members will have 140 days following the Notice Date to submit a claim (the "Claims Period"). Defense counsel's request for a final fairness hearing within 60 to 90 days of the Notice Date means that neither the Court nor the parties will know how many Settlement Class Members ultimately will submit a claim under the proposed settlement at the time the fairness hearing is held. The Court is concerned that a final determination of fairness may not be possible without knowing how many claims are submitted under the proposed settlement. In the Court's experience, the final fairness hearing generally occurs after the Claims Period has expired, which obviates this concern.

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The parties are DIRECTED to submit by October 21, 2021 a statement of no more than five pages explaining why it is in the best interests of the class (as opposed to the best interests of Defendant) to hold the final fairness hearing prior to the expiration of the Claims Period. The parties should cite any relevant analogous cases in which the final fairness hearing was held prior to the expiration of the Claims Period, with a particular focus on any settlements that did not involve a dedicated settlement fund but instead included a claims-only structure like the one here.

IT IS SO ORDERED.

Dated: 10/15/2021


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California